

**Minutes of the Haryana State Review by National Commission of Scheduled Castes with Chief Secretary and other senior Officers of Government of Haryana (GoH) on 09.03.2018**

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Chief Secretary and other senior Officers of the level of Additional Chief Secretaries, Special Chief Secretaries and Principal Secretaries, Secretaries, Commissioners, Directors etc. of GoH participated in the review by the National Commission for Scheduled Castes . List of participants is placed at Annexure – I.

The Principal Secretary , SC/BC, Haryana while welcoming the Commission stated that Haryana is set for fast development in various sectors and looked forward for Commission's pro-active observations and advice to strengthen their activities. He informed that though cases of SC Atrocities show an increasing trend in Haryana, the Department/Police takes action immediately in such cases.

The Chairman / NCSC in his opening remarks said that the Commission has come to Haryana as a part of its Constitutional mandate to monitor the implementation of safeguards and rights of the Scheduled Castes in the state. The review is an exercise undertaken to point out the areas of concern of NCSC and to sensitize the Government towards the same. The Commission had sent detailed proforma to the State Government for submitting detailed information on work done by state on schemes for welfare of SCs, Central Sector Schemes , Central Schemes & State Sector Schemes , other GOI schemes like PMAY , Ujjawala , Mudra , Stand Up , Jan Dhan , MNREGA etc, action taken regarding prevention of atrocities , payment of compensation to victims of atrocities, action taken regarding prohibition of Manual Scavenging etc.

Analysis of the replies to the various proformae and questionnaires of the Commission, data of NCRB , MSJE etc has been made by the Commission. Detailed discussions will be held after a brief presentation by the Commission on the findings and concerns of the Commission on the core sectors mentioned. Responses of the State Government will be invited on the findings in the presentation during detailed discussions.

In the presentation the main issues highlighting the areas of concern of the Commission were :

- Government of Haryana (GoH) had enacted the Haryana Panchayati Raj Amendment )Act 2015

As per Article 338 (9) of Constitution , the Union and every State Government shall consult the Commission on all major policy matters affecting the Scheduled Castes

- Hence GoH was to consult the NCSC while no consultation was made.
- GoH is advised to consult NCSC as per Article 338(9) of the Constitution.

**Schemes to alleviate SC poverty :**

- 2200 SCs trained in dairy & animal husbandry farming in 2016-17.
- Interest subsidy on loan advance/Share capital given to 1149 SC beneficiaries in 2016-17 – Rs 18.88 lakh ( average Rs 1643 per beneficiary).

**Schemes for welfare of SCs**

Expenditure on schemes for welfare of SCs is much below the norm and % of allocation to SC specific schemes is around 44% ( in 2017-18) , while the expenditure on the same was 35.31 % in 2015-16 , 41.49% in 2016-17 and only 8.63% in 2017-18. The percentage of SCSP expenditure to total state outlay is 6.14% , 6.59% and 1.73% in 2015-16 , 2016-17 & 2017-18 respectively.

State needs to bring the expenditure at par with the population of SCs in the State which is approximately 21%.

The SCA unutilized funds were to tune of Rs 1142 lakh & 1032 lakh in 2016-17 & 2017-18 respectively.

In 2016-17:

- No allocation made for oil seeds pulses scheme and scheme of 250 nos dwelling units
- There was low expenditure by –
- Agriculture (Rs 2460 lakh vs Rs 5461 lakh allocation ),
- Education : Elementary - (Rs 47478 lakh vs Rs 51500 lakh allocation ), Secondary education (Rs 164 cr vs Rs 282 cr allocation ) , Higher education (Rs 53 cr vs Rs 90 cr allocation )
- SW Dept (Rs 346 cr vs Rs 476 cr allocation)
- education / health / solar/ agriculture / animal husbandry in Mewat Development Agency (Rs 2.16 lakh vs Rs 285 lakh allocation )
- There was no expdt by :
  - PR deptt (Rs 2135 lakh allocation ) ,
  - drinking water & sanitation of Shivalik Development Agency – (Rs 240 lakh allocation )
  - Babu Jagjivan Ram Chattrawas Yojna (Rs 47.50 lakh , Rs 100 lakh, Rs 50 lakh allocation in 2015-16, 2016-17 & 2017-18 respectively).

Similarly in 2017-18 , till December 2017 , there was low expenditure by –

- Education : Elementary education (Rs 123.08 cr vs Rs 545.48 cr allocation ) , Secondary education (Rs 39 cr vs Rs 205 cr allocation ) , Higher education (Rs 1.6 cr vs Rs 90 cr allocation )
- SW deptt (Rs 31.63 cr vs Rs 465 cr allocation )
- RD deptt (Rs 30.52 cr vs Rs 238 cr allocation)
- Animal husbandry (Rs 1.52 cr vs Rs 26.62 cr allocation)
- Irrigation (Rs 14.8 cr vs Rs 50 cr allocation)

**No expdt by :**

- Agriculture ( Rs 8793 lakh)

**Literacy Rate**

- 17.20% SC students are registered for graduation during 2015-16 & only 16.94% in the year 2016-17, showing a decline .
- The literacy rate of Haryana is above the All India average which is commendable.
- Drop outs are high as the number of SC students in middle school are around 2.5 lakh when compared to SC students in primary school ( around 3.7 lakh )
- There is decline in total no. of students & SC students in primary and middle school level between 2014-15 to 2017-18

Steps taken to reduce drop outs may be informed.

**Scholarship : Pre matric**

In 2016-17 , SC Students in primary school are 3.79 lakh and in middle school are 2.5 lakh whereas the scholarship is shown to have been given to 21.86 lakh students .The scholarship appears to have been given to 3 times more than the registered students . The discrepancy needs to explained.

**Post matric :**

- 2016-17 only 90784 SC students received PMS , which is only 35.26 % of the total SC students that year.
- Reasons for 1,66,665 SC students in 2016-17 , 1,91,788 SC students in 2015-16 , 2,59,285 SC students in 2014-15 not receiving PMS is not clear.
- Reasons for decline in no. of SC students from 3,15,433 in 2014-15 to 2,51,111 in 2017-18 may be explained.

### **Other issues**

- The number of hostels and the no. of students registered in hostels is insignificant when compared to the total no. of SC students.
- Hand pump installation – only 1 pump installed in SC area
- land allocation to SCs – no land was allocated to landless SCs in 2015-16 & 2016-17.

### **Mudra Loan**

- The number of loans given to SCs in 2016-17 has declined sharply.
- How many loans of Rs 10 lakh have been given and how many loans from Rs 5 lakh to Rs 10 lakh may be specified.

### **Pradhan Mantri Jan-Dhan Yojana (PMJDY)**

- Details of how many SC persons have opened accounts under Jan Dhan yojna vs the total no. of PMJDY may be given, as no information was provided to commission for this aspect.

### **Stand Up Scheme**

No details of Stand up Scheme beneficiaries have been given , while the scheme has special provision that each branch will give loan to 1 SC / ST & 1 woman.

### **Education Loan**

Details of how many SC students have availed loan vs the total no. of beneficiaries is needed.

- The monitoring mechanism of these important schemes ( and also of MUDRA Yojna ) appears to be missing as no details have been given
- steps by which the State Government monitors these schemes are to be explained.

### **Pradhan Mantri Awas Yojna**

- 15334 SC houses out of 25556 & 7732 SC houses out of total 12886 houses sanctioned in 2016-17 & 2017-18 respectively.
- How many have actually been constructed may be informed to Commission.
- Expenditure in 2017-18 has been only about 20% of both Central & state share

### **Ujjawala Yojana**

- 94494 (34.52%) SC persons out of total 272949 LPG connections were provided during 2016-17.

197,708 (64.25%) SC women out of total 30672 LPG connections were released connections during 2017-18 (2017-18 upto July, 2017), which is good.

### **MNREGA Scheme**

An average of 6 to 7 days employment per year for an SC job card holder is much below the norm of at least 100 days of job as per MNREGA

### **Representation of Scheduled Castes in services.**

- The prescribed quota of reservation for SCs in services in Haryana is 20% in Direct Recruitment (DR) and Promotion.
- The representation of SCs in all Groups/posts is between 4 to 9 % below the prescribed percentage of 20% reservation. No reason for the shortfall has been given
- Similarly the representation of Scheduled Castes in State PSUs in all Cadre posts is between 3 to 7% % below the prescribed percentage of 20% reservation .
- 12062 safai karamcharies are working in various departments of State Government but representation of SCs working as safai karmacharies has not been given.

**Backlog vacancies.**

- 9558 backlog vacancies for SCs in different cadres/posts

A time bound action plan for filling up of such vacancies has to be made.

**Atrocities on Scheduled Castes:**

- Rate of crime against SCs and the total number of crimes against SCs both show an increasing trend from 2014 to 2017 ( Sept 2017)
- The conviction percentage in atrocity cases of 0, 6.97 & 7.74 in 2014 , 2015 & 2016 respectively , are way below the than the National average of 28.28, 27.10 & 25.68 for 2014, 2015 & 2016 respectively. The State Government needs to assess and improve the performance of the Special Public prosecutors.
- **Exclusive Special Courts :** Exclusive Special Courts need to be set up in all districts under sub section (1) of section 14 of the SC/ST Prevention of Atrocities Act as amended in 2015 , (PoA Act amended)
- Delay by District Administration to sanction monetary compensation at FIR stage, as per sections applicable of the SC/ST Prevention of Atrocities Rules 2016 (PoA Rules 2016).
- Compensation as per [POCSO](#) act not being paid where victim is a minor.
- As per Rule 46 of the amended PoA Rules 2016, the additional relief like pension to the widow , education up to graduation level of the children of the victims , 3 month rashan etc. is not being provided.
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- There are delays by District Administration to sanction monetary compensation at FIR stage & charge sheet stage as per sections applicable of the PoA Rules 2016 . Compensation to victims of even grievous crimes like murder , rape and arson have not been paid . A minimum of Rs 1088.01 lakh is due to be paid to victims / dependents from 2014-15 to 2017-18.

### **Implementation of Prohibition of Manual Scavenging Act**

- The above Act and the Judgement of Hon'ble Supreme Court has not been properly implemented.
- **In 2015-16** – in 4 deaths during manual cleaning of sewers in Faridabad , Rs 10 lakh / family compensation has been given .
- **In 2016-17** – in 5 deaths & 2 injured during manual cleaning of sewers in Faridabad , Rs 10 lakh / family compensation has been given to 3 families & in 2 cases the contractor has paid compensation.
- **In 2017-18** –
  - 3 deaths during manual cleaning of sewers in Sonapat – no compensation paid.
  - 3 deaths during manual cleaning of sewers in Gurgaon – Rs 22 lakh compensation paid / family.
  - 2 deaths during manual cleaning of sewers in Palwal - no compensation paid.
  - 1 death during manual cleaning of sewers in Rewari- no compensation paid .

### **Implementation of Prohibition of Manual Scavenging Act**

- The SC/ST PoA Act has not been applied in the cases whereas section 3(i) (j) of Act applies
- Actual due Rs 10 lakh / death from principal employer & Rs 10 lakh from the insurance policy plus compensation as per the SC/ST POA Rules if victim is an SC is payable / family .
- All municipal corporations etc have to take a policy of Rs 10 lakh sum insured / worker as per Hon'ble Supreme Court's directions.
- The workers have to be fully equipped with safety apparatus in case they have to clean sewers manually



**Response of State government to NCSC**

- 412 cases are pending in NCSC (Hqs)
- average no of reminders sent / case before receipt of response -2 to 3

In majority of cases the officers called have not come or sent very junior officers for hearings.

**After the presentation detailed discussions on the issues raised were held.**

**Literacy & education:**

In the detailed discussions the Commission desired to know measures taken by the State Government to improve literacy rates , reduce drop out rates & why enrolment in schools is going down there is a decline in total no. of SC students between 2014-15 to 2017-18. The details and reasons for non payment of scholarships were asked for.

**Response of GoH :**

Director (Education) informed the Commission that literacy and dropout are combated by the Government and steps are already initiated. One reason is the shift of students from primary school to private schools . The total no of SC students receiving pre matric scholarship was clarified as 218644.

The details of the post matric SC students eligible for scholarships and the students actually paid the scholarships , reasons of not giving scholarships to SC students will be ascertained and sent to the Commission within 2 months.

**Expenditure on Schemes for welfare of SCs :**

Regarding the low allocation and expenditure on SC specific schemes under SCSP , the departments clarified that the figures sent to the Commission were till September 2017 / December 2017 and there has been significant progress on date. Major Departments mentioned the expenditure details.

The various Departments explained the reasons regarding the low expenditure in 2016-17 and gave up to date figures of 2017-18. The reduced expenditure of some departments was stated as due to many schemes being run in mission mode outside the budget.

The CS and other senior officers committed to ensure speedy expenditure, improved planning & regular monitoring in future regarding schemes for welfare of SCs. **CS, also committed that complete details of allocation and expenditure will be provided to the Commission within 2 months.**

**Swachh Bharat :** Secretary, Rural Development Department, Haryana informed that 100 % villages are declared ODF. Total toilets built 29.5 lakh (families), the detailed break up of SC families will be provided.

**Implementation of GoI schemes on employment & skill/ entrepreneurship development :**

**MNREGA :** The Govt. will examine the data and give an update as well as steps taken to increase the no. of days employment / person.

**Mudra loan :**

Data on how many SCs have received loans of Rs 10 lakh, how many between Rs 5-9 lakh & how many below Rs 1 lakh need to be collected, analysed and also given to the Commission.

***The CS indicated that a scheme called T -pride for SC entrepreneurs is in operation & details of scheme and the progress on the scheme as well as data asked for on Mudra loan will be intimated to the Commission.***

**Ujjawala yojna, PM Jandhan Yojna, Stand up scheme, Education loans:**

No data on SC beneficiaries of **Ujjawala yojna, PM Jandhan Yojna, Stand up scheme** ( which has special provision that each Bank branch will select at least 1 SC/ ST and 1 woman to sanction loan ) and **education loans** to students by banks was made available to the Commission .

Commission desired that the implementation by Banks / Oil PSUs of these important schemes be monitored by GoH regularly so as to ensure that SC beneficiaries are

being benefitted. Data on how many bank branches have given Stand up scheme loan to SCs / SC women out of total no. of bank branches in 2016-17 & 2017-18, how many SCs had applied for the loan ,average loan size etc need to be collected and analysed and sent to the Commission within 1 month.

**Response of GoH:**

*CS / Haryana agreed that the monitoring mechanism was lacking as they were dependent on the supply of information by the Bank . He assured that a monitoring mechanism will be put in place and data collected from implementing banks & sent to NCSC within 2 months.*

Principal Secretary, R&B informed that Commission that NAC is giving training to SCs as well.

**Reservation of industrial plots for SCs:**

To the queries of Commission regarding reservations in SEZs and allocation done to SCs, reservation is mandated but no information is available on SEZ/industrial allotments for SCs. *The said information will be sent to NCSC within 2 months.*

**Assigning of land to landless SCs :**

The land is to be allotted to SCs and the pendency of occupancy of the 100 gaj plots to SCs is to be cleared at the earliest. *The said information will be sent to NCSC within 2 months.*

**Action to reduce Atrocities and status of compensation to victims / families:**

The Commission emphasized a few aspects needing the attention of the CS , PS (home) , PS (SC/BC ) and District Magistrates and desired that instructions on the concern raised by the Commission should be issued to all concerned.

**The issues were :**

- Timely and proper payment of financial compensation as per the amended SC/ST Prevention of Atrocity (PoA) Rules 2016 .At least 10.88 crore compensation is due to be paid to victims/ dependents from 2014-15 to 2017-18. The Government should take steps to release the same and in future regularly monitor the same and ensure the stage wise compensation as per the POA Rules 2016 is paid timely to victims / families.
- Compensation as per [POCSO](#) act not being paid where victim is a minor.
- As per Rule 46 of the amended PoA Rules 2016, the additional relief like pension to the widow , education up to graduation level of the children of the victims , 3 month rashan etc. is not being provided.

*Instructions should be issued to all DMs and SSPs and the Commissioners / IG zone as well as the SC/ BC and Women and Child Welfare to ensure all of the above.*

- **State Level Vigilance & Monitoring Committee (SLVMC)** under the Chairmanship of Chief Minister needs **is constituted and has to meet twice** in a year as per Rule 16(2) of the POA Rules. The same has not been held regularly.
- **District Level Vigilance And Monitoring Committee (DLVMC)** meetings are to be held every quarter . Except for Sonapat ( 2014-15), Yamuna Nagar ( 2015-16) , Faridabad , Fatehabad (2016-17) regular meetings are not being held in any of the districts.
- Steps need to be taken set up Exclusive Special Courts in all districts under sub section (1) of section 14 of the SC/ST Prevention of Atrocities Act (PoA) ( as amended 2015) & regular monitoring of the work of the Special Public Prosecutors is needed as the conviction rate of Haryana is very low as compared to the national average.

### **Response of GoH**

*CS Haryana agreed to take action on all the above points and issue the necessary directions to the officers concerned. He assured that instructions will be issued to*

*all districts to hold regular DLVMC meetings and hold the SLVMC meeting twice a year. He also committed that instructions will be issued to regularly monitor the timely and correct payment of compensation and issue of instructions to all DMs to send proposals for additional financial assistance to victims of particularly heinous crimes to Dr. Ambedkar Foundation and under Victim Compensation Scheme of GoI. The pending compensation in 2014 to 2107 cases will be reviewed and released within 3 months.*

**Implementation of Prohibition of Manual Scavenging Act :**

The Commission had found that the above Act & the judgement of Hon'ble Supreme Court has not been fully implemented. The amount paid to families of 8 victims is less than stipulated and GHMC has taken a policy of only Rs 6 lakh sum insured, rather than Rs 10 lakh as per Hon'ble Supreme Court's directions.

*CS Haryana agreed to issue necessary instructions on all the above points to the officers concerned. He assured that the implementation will be monitored and action as per rules will be taken in all the cases of death / injury during manual cleaning of sewers as mentioned by the Commission , compensation released and action taken report will be sent to NCSC within 2 months.*

**Response to Commission by officers of GoH:**

Regarding the issue of non appearance of the officers called for hearings in the Commission and not sending of the reports to NCSC , *CS / Haryana assured that necessary instructions will be issued to all officers to respond with reports within the time frame prescribed and attend the hearings regularly.*

Summing up the discussions the Chairman, NCSC appreciated the efforts of officers , he emphatically & clearly pointed out that as there are shortcomings in implementation of Government Schemes, Centrally Sponsored Schemes etc. pointed out during the review hence there is need to regularly monitor the same to ensure that the benefits of these schemes reach the target SC population and help in their economic and social upliftment. He urged Chief Secretary to review SCSP and action taken under the POA Rules and also regarding implementation of the MS Act in his regular meetings with officers also. The Principal Secretary ( Home ) should also

regularly follow up the action taken by the police in cases of atrocities against SCs. There is need to urgently issue necessary instructions as pointed out by the Commission . He desired that the details asked for by the Commission may be compiled and sent to the Commission in the committed time frame.

The Chief Secretary ,Haryana assured the Commission that action as desired by Commission on various issues will be taken and the detailed reports as asked for will be submitted to the Commission in the time frame as fixed.

Annexure -I

**officers present for the State Review**

Sr. No.	Name of Officer	Designation	Name of Deptt.	Mobile No.
1.	Sh. DS Dhesi	Chief Secretary	Haryana	
2.	Sh. Dhanpat Singh	ACS MER	Medical Education & Research Department	9417602524
3.	Sh. Ar Mahavir Singh	Principal Secretary	Labour	9888757599
4.	Sh. Rajeev Arora	Principal Secretary	PHED	9872219000
5.	Sh. Keshav Arora	ACS & FCR	Revenu	09988177777
6.	Sh. S.S Prasad	ACS , Home	Home	9878004455
7.	Sh. R.S Malhan	Director DESA	DESA	9417153585
8.	Sh. R.S.Solanki	Addl. Director Agri. ( State)	Agri. & FW	9463881840
9.	Sh. A.K. Kumawat	Addl. PCCF	Forest Dept.	9417215240
10.	Sh. Rajiv Rathor	DSE cum spl. Secretary	School Education	844780000
11.	Sh. Nitin Yadav	Director	Urban local Bodies	
12.	Sh. T.C. Arora	Principal Secretary	SKH Dev & ITI	7307216513
13.	Sh. Pranab Kishore Das	ACS	Power	
14.	Sh. Alok Nigam	ACS	PWD	
15.	Sh. Rakesh Manocha	Engineer in chief	Haryana P.W.d ( BSR)	9356067516
16.	Sh. Anurag Rastogi	PS	RMDD	
17.	Sh. PK Mahapatra	ACS AH,D &F	Animal Husbandry	

18.	Dr. G.S. Jakhar	DGAH	AH & D	9876556300
19.	Sh. Narsher Singh	Director prosecution	Prosecution department	9896235351
20	Smt. Jyoti Arora	P.S.		9899284990
21	Sh. Anil Kumar	PS	SC/BC Welfare	
22	Smt Geeta	Director	SC/BC Welfare	
23	Sh. N Sangwan	Dy Director	SC/BC Welfare	